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*Plenary sitting*

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7.7.2015

B8-0694/2015

## MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the Democratic Republic of Congo (DRC) in particular the case of two detained human rights activists Yves Makwambala and Fred Bauma (2015/2757(RSP))

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on behalf of the ECR Group

**B8-0694/2015**

**European Parliament resolution on the Democratic Republic of Congo (DRC) in particular the case of two detained human rights activists Yves Makwambala and Fred Bauma (2015/2757(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on RDC
- having regard to the Cotonou Agreement,
- having regard to the Universal Declaration of Human Rights,
- having regard to the International Covenant on Civil and Political Rights,
- having regard to the African Charter on Human and Peoples' Rights,
- having regard to the African Charter on Democracy, Elections and Governance,
- having regard to the Council conclusions on the DRC /FDLR of 19 January 2015
- having regard to the statements by the EEAS spokesperson regarding the deadly attack against MONUSCO of 06 May 2015
- having regard to the Statement by the EEAS spokesperson on the launch of military operations against the Democratic Forces for the Liberation of Rwanda (DFLR) of 30 January 2015
- having regard to the statement of the International Envoys to the Great Lakes Region on the Situation in the Democratic Republic of the Congo of 22 January 2015
- having regard to Rule 135 of its Rules of Procedure,

- A. whereas Yves Makwambala and Fred Bauma, who remain in detention at Makala prison in Kinshasa, were among at least 30 people including Senegalese and Burkinabe activists, a United States diplomat, foreign and Congolese journalists, and Congolese activists, musicians, artists, and logisticians, arrested on 15 March 2015 after Congolese security officials stormed a press conference held by the youth movement Filimbi, and whereas this clampdown of a series of workshops on youth mobilisation highlights the continuing tensions between civil society and the government of the DRC;
- B. Whereas they were held for over 40 days by the ANR (Agence Nationale de Renseignements) without charge or access to legal assistance and without being brought before competent judicial authorities, Makwambala and Bauma were transferred to the public prosecutor's office on April 24 and May 4, respectively;
- C. whereas a Congolese parliamentary report found no evidence of plans for terrorist activities or violent crimes by Filimbi leaders;
- D. whereas the arrests of Yves Makwambala and Fred Bauma are part of a worsening

crackdown on freedom of expression and assembly in advance of Congo's 2016 presidential elections;

- E. whereas under Congo's constitution a president may only serve two consecutive terms and whereas there is growing opposition to the attempts to extend president Kabila's time in office beyond the constitutionally-mandated terms limit;
  - F. Whereas freedom of the press is limited by legal restrictions, and also by threats and attacks against journalists; censorship is imposed on all media including internet and Reporters Without Borders ranks RDC at 150th, of 180 countries in the world, in terms of press freedom and several journalists were arbitrarily arrested between 2014 and 2015;
  - G. Whereas the government reaction to civil society's engagement is an attempt to treat activists and advocacy organisations like the political opposition in order to undermine them;
  - H. whereas the DRC, and in particular the eastern regions under the control of armed paramilitary groups, possesses an abundance of natural resources such as gold, tin and coltan, which through illegal mining activities helps to finance and perpetuate the conflict;
  - I. whereas since 2013, action against armed groups by the national security forces and the UN MONUSCO Mission in the eastern regions has significantly diminished both violence against civilians and related human rights violations; however, in the rest of the country, human rights violations such as violence against women, police impunity, a dysfunctional justice system and shrinking space for political dissent, remain major concerns.
1. Asks the authorities of the DRC to immediately and unconditionally release Yves Makwambala and Fred Bauma and other young Congolese citizens who are members of the Filimbi and Lucha organizations arrested in relation to a peaceful workshop on promoting responsible youth engagement in the democratic process, as they have committed no criminal offence, but are detained solely for peacefully exercising their rights to freedom of expression, peaceful assembly and association, and to investigate and discipline or prosecute those involved in the arbitrary detention and ill-treatment of these activists from Congolese youth organizations;
  2. Urges the authorities of the DRC to stop violating basic freedom of expression and assembly rights that are protected under Congo's constitution and international human rights law, the Congolese law requiring that all detainees be brought before a judicial official within 48 hours of their arrest, and Congolese law and international human rights treaties ratified by Congo that prohibit torture and cruel, inhuman, and degrading treatment, and to ensure all detainees the right to access to a lawyer and family visits;
  3. Regrets the upsurge in violence attributed to armed groups in the eastern DRC; deplores the substantial loss of life incurred and urges to end the continuing and severe human rights violations in the DRC, in particular gender based violence and the recruitment and use of child soldiers, whether conducted by armed groups or other actors;

4. Appeals to the DRC authorities to ensure that all electoral laws respect relevant provisions of the Constitution and to enter into a dialogue with civil society and the opposition about a credible, timely, inclusive, and peaceful electoral process and power transfer in 2016;
5. Supports the efforts of the International Envoys to the Great Lakes Region and urges all parties concerned to pursue the implementation of commitments taken under the PSC Framework;
6. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High representative of the Union for Foreign affairs and Security Policy, the African Union, the President, Prime Minister and Parliament of the DRC, the UN Human Rights Council and the Assemblée Parlementaire Paritaire ACP/UE.

(<sup>1</sup>) This citation should only be inserted if the motion for a resolution emanates from a committee.